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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

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EXAMINER

DELA TORRE, CRESCELLE N

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,366

Applicant(s)

XU, YUE HENG

Examiner

Crescelle N dela Torre

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Appeal Brief, filed on 6/12/02.

This action is non-final.

Claims 1-18 are pending in this application. Claims 1, 10 and 15 are independent claims.

The present title of the invention is "Using Two Electronic Programming Guides" as originally filed.

Response to Arguments

1. In view of the Appeal Brief filed on 6/12/02, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Upon further review of the Schneidewend reference and applicant's arguments in the Appeal Brief, examiner agrees that Schneidewend does not disclose the claim limitations. Rather, the claims have been rejected in view of Stautner and Klosterman.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al (U.S. patent 6,172,677) in view of Klosterman (U.S. patent 5,550,576).

As per claim 1, Stautner teaches the following subject matter:

providing access to a first EPG with a first set of program selections at figure 5;

providing access to a second EPG with a second set of program selections, at figure 2; and

enabling user selection of viewing programs, at column 4, lines 58-60.

Stautner teaches the above steps of claim 1, but does not specifically teach that the first and second EPGs are provided over first and second mediums, respectively.

On the other hand, providing EPGs over different mediums are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" at column 6, lines 12-14, or "generated within the IRD

box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required for the program guide system.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different mediums as in Klosterman because it reduces the memory requirements of the program guide system.

As per claim 2, Stautner shows that the second set at figure 2 is more extensive than the first set at figure 5.

As to claim 3, Stautner teaches that the first EPG provides the programming guide and program content, at figure 5.

As per claim 4, Stautner shows providing the second EPG, at figure 4.

Regarding claim 5, Klosterman automatically couples the user to the second medium upon receiving an access request, at column 7, lines 46-52.

As to claim 6, Stautner teaches internet access, at column 3, lines 45-46.

In reference to claim 7, Klosterman teaches user selection of provided program selections, at column 6, lines 34-56.

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request, at column 4, lines 29-34.

Regarding claim 9, Stautner teaches providing tuning information, at column 4, lines 58-60.

As to claims 10-14, they correspond respectively to claims 1 and 5-8.

As per claim 15, Stautner teaches a content provider providing content and a first EPG, at figure 5; and a server for providing a second EPG upon request, at figure 2, and column 5, lines 15-19.

Stautner teaches the above steps of claim 15, but does not specifically teach that the first and second EPGs are provided over first and second mediums, respectively.

On the other hand, providing EPGs over different mediums are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" at column 6, lines 12-14, or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required within the coordinator.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different mediums as in Klosterman because it reduces the memory requirements of the coordinator.

In reference to claim 16, Stautner teaches airwave, cable and satellite broadcast systems, at column 7, lines 21-23.

Stautner teaches an internet connection [claim 17] at column 3, lines 45-46.

As to claim 18, Stautner shows a second EPG at figure 2 that is more extensive than a first EPG at figure 5.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



CRESCELLE N. DELA TORRE
PRIMARY EXAMINER